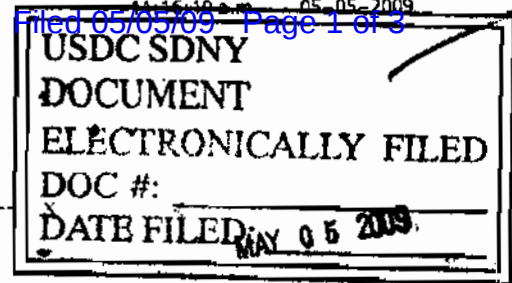


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



KEREEM ADAMS and LOYETTE DAVID,

Plaintiffs,

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
VOLUNTARY DISMISSAL**

-against-

06 Civ. 3158 (GBD)

THE CITY OF NEW YORK,

Defendant.

x

**WHEREAS**, the plaintiffs in this action challenged amendments to New York City Administrative Code §10-117(c) and (c-1) (the amendments) relating to the sale to and possession of graffiti materials to persons under the age of 21 on the grounds of lack of equal protection and a violation of the First Amendment; and

**WHEREAS**, plaintiffs were granted a preliminary injunction on their equal protection and due process claims by Judge Daniels on May 1, 2006; and

**WHEREAS**, the Second Circuit on February 1, 2007, affirmed Judge Daniels on First Amendment grounds only; and

**WHEREAS**, Judge Daniels denied Plaintiffs' motion to convert the preliminary injunction into a permanent injunction on July 30, 2007; and

**WHEREAS**, effective October 1, 2007, the City passed Local Law 39 of 2007, the revised graffiti amendments, (revised amendments) the enforcement of which was enjoined by Judge Daniels on October 10, 2007; and

**WHEREAS**, Plaintiffs amended their complaint on February 15, 2008, challenging the revised amendments on first amendment grounds only; and

**WHEREAS**, there are only two plaintiffs left in the suit, Kereem Adams and Loyette David; and

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**WHEREAS**, Plaintiffs' counsel filed a motion for attorney fees and costs on October 24, 2008; and

**WHEREAS**, Plaintiffs do not wish to pursue litigating the Amended Complaint challenging the revised amendments, and the parties have now resolved the outstanding claims for attorneys' fees;

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, as attorneys of record for the respective parties, as follows:

1. The Complaint and Amended Complaint are dismissed.
2. The Court's injunction of October 1, 2007 enjoining the enforcement of Local Law 39 of 2007, the revised amendments in New York City Administrative Code §10-117 is vacated and the City is free to enforce these revised amendments.
3. The City of New York ("the City") shall pay to plaintiffs' attorneys the sum of Sixty-Six Thousand Two Hundred Fifty Dollars (\$66,250) in settlement of the plaintiffs' claim for fees and disbursements. Payment shall be made by forwarding to plaintiffs' attorney Scott A. Korenbaum a check in that amount made payable to Scott A. Korenbaum, Esq.
4. Plaintiffs and their attorneys hereby waive any right to apply for, and shall not apply for, any order authorizing the taxation of costs or disbursements in this action. Plaintiffs and their attorneys hereby waive any right to apply for, and shall not apply for, any order pursuant to 42 U.S.C. § 1988 authorizing the taxation of attorney's fees as costs in this action.
5. Plaintiffs shall be deemed to have released the City of New York, and all departments, officials, employees, representatives and agents of the City of New York, past and present, from each and every claim and right to damages arising from the acts and omissions complained of in this action.

6. This stipulation is not to be construed as an admission that defendant violated plaintiffs' constitutional rights or are in any way liable on plaintiffs' constitutional claims.

7. This stipulation, and the settlement it represents, is not related to and shall not be admissible in any other litigation or settlement negotiation.

8. This stipulation may be submitted to the Court to be so ordered, docketed and filed without further notice to any party.

Dated: New York, New York

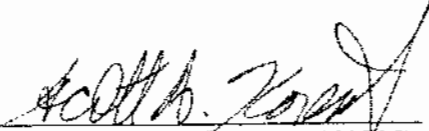
~~April 30, 2009~~

May 4


SCOTT A. KORENBAUM, ESQ.  
Attorney for Plaintiffs  
111 Broadway, Suite 1305  
New York, NY 10007

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
Attorney for Defendant  
100 Church Street, Rm. 5-157  
New York, NY 10007  
(212) 788-0822

By:

  
Scott A. Korenbaum (SK8305)

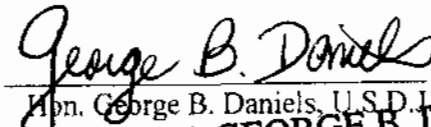
By:

  
Virginia Waters (VW9723)

**IT IS SO ORDERED**

this \_\_\_ day of May 2009.

**MAY 05 2009**

  
Hon. George B. Daniels, U.S.D.J.  
**HON. GEORGE B. DANIELS**